



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
Michael J. Kruse, Director

Telephone
(617)-796-1120
Telefax
(617) 796-1086
TDD/TTY
(617) 796-1089

CONSERVATION COMMISSION MEETING MINUTES

June 28, 2007

Beginning at 7:30 p.m.

Room 209, City Hall

MEMBERS PRESENT: D. Dickson, S. Lunin, R. Matthews, R. Freed, &
N. Richardson; Associate: J. Hepburn

MEMBERS ABSENT: I. Wallach, A. Green & Associate: D. Green

MEMBERS OF THE PUBLIC: See attached sign-in sheet.

- 1. 3 Fuller Avenue:** Continuation of Public Hearing on Notice of Intent for demo of existing dwelling, construction of new dwelling with amenities.

Report: continued from last meeting with request from CC for: a) new plan to show revised house relative to required setbacks, b) new NOI & plan or letter to describe what owner plans to do to rectify violation if he can acquire land, and if he cannot, and c) plan describing removal of garden from bordering vegetated wetland and non-native plantings from bank. Applicant's representative, Mike Roman called and requested a one month continuance. Noting in writing.

Meeting: Commission members agreed to continue the hearing two weeks.

- 2. 1203 & 1211 Washington Street: Applicant/Owner: City of Newton, DPW –Notice of Intent** for repair of failing existing fieldstone retaining wall within the City's drainage easement (Cheesecake Brook) – proposed work of 330 wall repair on bank.

Meeting: John Daglian, City of Newton, DPW, submitted proof of abutter notification and showed the area of proposed work on maps and slides. The stream channel is lined by 4 ½ foot fieldstone walls originally constructed in 1896. The wall has crumbled along the base of Mr. Donato's property, and will be repaired to the original condition. Above the city's retaining wall, the slope is set back about 2-3 ft, and the lower portion is within the flood zone of the brook. Some dirt has slumped into this area and will be removed by the owner to restore that setback, which provides about 297 cf of flood storage that has filled in over the past years. Then, Mr. Donato's contractors will construct a new retaining wall above the fieldstone wall to hold the slope, and replacing a timber wall that collapsed and fell into the brook. To bolster the slope and the repaired retaining wall(s), rip-rap will be placed atop and behind the fieldstone wall. Work is proposed for late summer to coincide with the lowest flows and water levels in the brook. DPW workers plan to construct a sand bag dam upstream of the work and use by-pass pumping to get water past the work site. This will help to prevent pollution of the downstream flow and allow them to clean debris out of the channel. The water will be pumped

Conservation Commission

1000 Commonwealth Avenue, Newton, Massachusetts 02459

Email: mhorn@newtonma.gov

www.ci.newton.ma.us

through a hose into a downstream settling basin (an area of rip-rap to slow the water flow and allow any sediment to settle, before the water flow continues. Commission members do not know if the stream is perennial at this point, but the Notice indicated a 200 ft riverfront. The brook has no natural bank. Discussion ensued about the characteristics of the channel, whether it offers habitat to wildlife, and whether some things could be done to enhance the habitat. John. Daglian suggests the rip-rap atop the stone walls will provide habitat alongside the brook. All the work is essentially a repair, for a wall erected prior to the Wetlands Protection Act, and removal of material that has fallen into the stream.

Motion: R. Matthews moved, S. Lunin seconded motion to approve the project as shown with additional condition(s) of a) a fabric screen (silt curtain) to be installed at Dunstan Road prior to the start of any work by owner or DPW, b) hand-place rip rap atop and behind the lower retaining wall (fieldstone wall, and c) maintenance on well to be conducted at 2-yr intervals. **Motion passed. Vote: Unanimous.**

3. 1203 & 1211 Washington Street: Applicant/Owner: Steven Donato – NE 239-558 – Continuation of Public Hearing on Notice of Intent for removal of existing retaining wall and construction of a new retaining wall adj. Cheesecake Brook.

Report: This filing resulted from enforcement action where the RR-tie wall currently on the property has disintegrated and fallen into Cheesecake Brook. The plan is to do a joint project with the City where the property owner will have a contractor pull back the wall, old RR ties, etc., and make them stable. Once the soil is pulled back from the edge of the fieldstone wall and the area above it, the City workers will go in and repair the fieldstone bank and remove debris from the bottom of Cheesecake Brook that was crushed by the weight of the RR tie wall. Once that work is completed, the property owner's contractor will come back and build a high concrete block wall, back outside of the City's drainage easement, and with dead-men to hold it in place. Then they will re-landscape, re-pave, and install fencing and a guard rail.

Meeting: John Rockwood and Joe Porter of Ecotech submitted proof of abutter notifications and presented the plan. Mr. Donato's contractor will remove the old retaining wall and build a new one after the City of Newton performs its repair of the fieldstone wall. Soil will be excavated and stockpiled temporarily on the paved area, moving the lip back several feet until the slope has been moved back several feet. City of Newton DPW will then perform their repair of the fieldstone wall. Then a trench will be dug behind the city's fieldstone wall for the footings. The footings will be poured and haybales will be removed from between the two walls. Fiber matting will be used to anchor disturbed soil between the two walls, and plantings will be replaced at the top of the wall once the parking area has been repaved. Two catch basins and associated infiltration facilities will be installed as the four remaining courses of the concrete structural retaining wall are installed. The concrete retaining wall will extend above the final grade of the parking lot, which will be sloped away from the wall to the new catch basins to prevent erosion into the stream.

Motion: D. Dickson moved and S. Lunin seconded to approve project as shown with modifications and additional conditions: a) City will add rip-rap (instead of Owner planting area between walls); b) Owner shall be responsible for maintenance of area between walls; c) Owner shall add a shrub species to the Arborvitae plantings at the top of the slope from list to be approved by Planner). **Motion passed. Vote: Unanimous.**

4. Lot 4 Kessler Way/Kessler Wood – Amended Order of Conditions to change grading, landscaping, and erect retaining wall.

Report: The main part of lot is concave toward the middle, and slopes down hill away from cul-de-sac – lot will be re-graded to be convex, sloping down toward the side lot boundaries & directing storm water run-off to lot lines and back of lot. Retaining walls needed in back because of large amount of fill needed to level portion of lot for house. House footprint is about 25% larger than on original “generic” plan and closer to buffer zone. Driveway also bigger, so that total of 1,000 sf more impervious surface. Plan gives patio as pervious = +885 sf, but all info indicates that within about 5 yrs of construction such areas become compacted, pore spaces fill and area becomes less and less permeable. Closest construction shown is approximately 25 ft to BVW, and edge of clearing would be less than 20 ft from BVW. Currently, haybales and silt fencing along sides of

property are in dis-repair and dirt is being stockpiled on the site with no E&SC on the down-hill side. Asked representative how long material will be there, un-stabilized.

Meeting: Michael Peirce presented for owners. House closer but retaining walls at the same distance as originally approved by the Commission, and all drainage will be contained on-site. Agent and D. Dickson discuss house being closer to wetland. Applicant needs special permit from Planning Board for the amount of change in grade and Planning may recommend the work move farther back from the wetland and closer to the cul-de-sac. R. Freed advises the Commission should not re-visit what was approved under previous order, and that wall is still limit of work at same distance from wetland. Information presented that the patio area would not be impervious because of little traffic and so small opportunity for the area to become compacted. New planting plan submitted 6/26/07, which M. Peirce said showed much more plantings than originally provided. Mr. Klineman, an abutter spoke favorably about the project from the audience.

Motion: R. Matthews moved to approve project with same conditions on drainage as for original OOC seconded by S. Lunin. **Motion passed. Vote 3 yea; 0 nay; Motion passed. D. Dickson and N. Richardson abstained.**

5. Commonwealth Av. Near Oakland Ave – Applicant Artie Georgacopoulos, KeySpan Energy Delivery – Notice of Intent for installation of underground regulator station (to regulate natural gas flow) in existing roadway layout w/in 200 ft riverfront of Charles River.

Report: Area is relatively flat, and just a few feet (<10') off the pavement, out of flood zone, and should not require any tree removal. After underground installation, only change at surface will be two pipes sticking up for access. Work is required to smooth changes in natural gas pressure to customers in area.

Meeting: Ken Fields and Artie Georgacopoulos presented the project, which is located just west of, and on the same side of Commonwealth as the juncture with Oakland Ave. Work is in the 200 ft riverfront but not in flood zone and will take approximately 2-3 weeks to do.

Motion: D. Dickson moved and R. Matthews seconded approval of plan as shown. **Motion passed. Vote unanimous.**

6. 295 California St. Applicant: Bell Atlantic Mobile of Massachusetts Corp. LTD dba Verizon Wireless – Abbreviated Notice of Intent for Owner Nonantum Post #440 Inc. c/o American Legion of MA to install stealth 70 ft flagpole wireless facility w/in paved parking lot island, install a gas generator and 2 condensing units on concrete pads w/ in 200 ft riverfront of Charles R.

Report: All of proposed work is in outer 100 ft of 200 ft riverfront, and in area already covered with asphalt or concrete surface. Riverfront redevelopment –10.58(5) specifies that “at a minimum,” applicant shall improve the ability of the area to protect the interests under the Act. VHB representative Dean Gustafson has offered to remove cement covers from part of the island areas and plant native shrubs there (the owner might prefer trees but not sure there is large enough “tree well” area for roots for tree – some trees already there look somewhat stressed. Proposing to plant a 200 sf area (see sketches in packet) with native shrubs – acceptable list provided. There are some junipers already planted at the site. The shrubs offered have some food value (berries) for wildlife – birds- and are able to withstand dry conditions. If acceptable to CC, the order could stipulate time of year for plantings (b/4 June 15, or late Sep to end of Nov) and water and mulch after planting.

Meeting: Karl Gering of Verizon and D. Gustafson of VHB presented. Applicant offers to improve area by planting native shrubs from list provided. Area of disturbance is approximately 200 sf, but the applicant is removing impervious area (paving) and replacing with concrete surrounded by stone, so that impervious area may be somewhat less when done. Applicant offers about 380 sf of plantings in concrete dividers (will remove concrete caps. Owner would plant trees, but the trees already planted in some areas appear to be struggling, and junipers are planted in a few areas and appear to be doing slightly better. Rachel said Post 440 should water as a condition in perpetuity and prune minimally to preserve the natural growth form. N. Richardson asked about bird strikes. Answer: It is not a problem at this height.

Motion: D. Dickson moved and N. Richardson seconded: Approve the project with special conditions to include a) remove the concrete caps from all concrete dividers in the riverfront and plant these areas; b) Post

440 to perform all the work in the fall; c) Post 440 to leave the plants in the area un-pruned, and to weed for invasives and to water so as to maintain plants in perpetuity (on-going condition for COC). **Motion passed. Vote unanimous.**

7. Certificate of Compliance-1165 Chestnut St. (NE# 239-520) – Bldg. Addition, drainage improvements, tree cutting, tree & shrub planting, & pathway easement.

Report: Grass is growing well – see pictures provided by applicant.

Meeting: Joseph Freedman (consultant) presented and showed a letter from Martha stating the project was satisfactorily completed, except that some site stabilization still needed to occur. Mr. Freedman showed pictures indicating that the detention pond was fully stabilized with grass now.

Motion: R. Matthews moved and S. Lunin seconded issuance of Certificate of Compliance. **Motion passed. Vote unanimous.**

8. Certificate of Compliance – 326 Fuller St. (NE 239-534)– Irrigation/storage pond wall replacement at Braeburn Country Club & associated site work w/in buffer of Cheese Cake Brook.

Report: Martha made site visit before she left and all work is completed and area is stabilized.

Motion: D. Dickson moved and S. Lunin seconded motion to issue COC. **Motion passed. Vote unanimous.**

9. COC 7 Bernard St. – Staff reported on site visit and plan just received confirming all work has been done for dock and riverfront area has re-grown sufficiently to grant COC. **Motion:** R. Matthews to approve, seconded by S. Lunin. **Motion passed. Vote unanimous.**

10. Minor Modification Request (Administrative Change) for DEP NE#239-448 750 Saw Mill Brook Parkway – Clear Channel Radio to alter landscape plantings.

Meeting: Installation of towers and wires did not require as much vegetation clearing as originally proposed. To follow the approved plan for location and number of plants to be planted would actually require the applicant to cut down trees that are there and/or plant shrubs in areas which are too shaded for the shrubs to prosper. Modifications within areas subject to Conservation jurisdiction (within the buffer zone) are proposed to provide a slight buffer around the most exposed side of a vernal pool and to place most of the rest of the plants in the road layout for Saw Mill Brook Parkway. Clear Channel is committed to care for the plantings in perpetuity.

Motion: R. Dickson moved and S. Lunin seconded approval with issuance of a curtesy letter. **Motion passed. Vote unanimous.**

11. DCR- Water Chestnut harvesting – Jim Stroud – requesting permission to proceed under the same conditions as in the expired OOC.

Report: Staff received a call from Mr. Stroud asking if he could proceed with mechanical harvesting with some last minute, end-of-fiscal-year funds. He would start almost immediately, but would attend this meeting to report to the Commission. Mr. Stroud is in communication with, and coordinating with the volunteers clearing water chestnuts by hand-pulling.

Meeting: Mr. Stroud was here and dropped off material but could not stay. Commission directs staff to send him a letter to attend the next meeting and report.

Meeting:

Report of Violation: Staff reports that a neighbor complained that the owner of 34 Selwyn St. is cutting vegetation on a riverbank. Staff investigated and found there is cut vegetation on the bank (mainly Japanese knotweed) and plantings of hosta and daylilies on the bank behind 34 Selwyn. DPW has easement there but they have not been cutting recently, although they did clear out the drain within the past few weeks. The Commission directed staff to send a letter telling the owners of the property to come to the next meeting.

Correspondence:

Meeting Minutes: D. Dickson moved to approve minutes of 5-24-07 approved with corrections. Seconded by S. Lunin. **Motion passed. Vote unanimous.**

Announcements & General Business:

0 Carlisle Street: Commissioner or staff will contact contractor and get confirmation that rock/boundary has been marked to prevent further trespass.

Reminder that elections need to be held after re-appointed members have met with the mayor or appointments committee.

Reminder: D. Dickson will not be at the July meeting. There is no meeting in August.

All other business continued until next meeting

CC closed their meeting at approximately 10:30 pm

Respectfully submitted,

Anne Phelps
Sr. Environmental Planner

